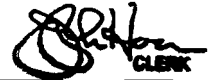


UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
NORTHERN DIVISION

**FILED**

MAR 30 2012

  
CLERK

SOUTH DAKOTA WHEAT GROWERS  
ASSOCIATION, a cooperative association,

Plaintiff,

v.

CONTINENTAL WESTERN  
INSURANCE COMPANY, an Iowa  
Corporation,

Defendant.

CIV. 12- 1008

**NOTICE OF REMOVAL**

**TO: THE JUDGE OF THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH DAKOTA, NORTHERN DIVISION:**

PLEASE TAKE NOTICE that the Defendant Continental Western Insurance Company ("Continental Western"), pursuant to 28 U.S.C. §§ 1441 and 1446, gives Notice of Removal of this case from the Fifth Judicial Circuit, Brown County, South Dakota, to the United States District Court for the District of South Dakota, Northern Division. In support of this removal, Defendant submits the following information:

1. On February 28, 2012, the Plaintiff, South Dakota Wheat Growers Association ("SDWG") of Aberdeen, South Dakota, commenced a civil action in the Fifth Judicial Circuit, Brown County, South Dakota, Civ. 12-217, against Continental Western.
2. The Complaint in this case alleges a claim for insurance payment for loss of business income and extra expenses suffered by Plaintiff due to interruption of their business caused by a fire. SDWG seeks damages in excess of \$75,000.

3. SDWG is, upon information and belief, a South Dakota cooperative association, with its principal place of business in Aberdeen, South Dakota.

4. Continental Western is an Iowa corporation, with its principal place of business in Urbandale, Iowa.

5. Continental Western was served with a Summons and Complaint in this case on March 2, 2012, by personal service.

6. This Court has original jurisdiction over this state court action under 28 U.S.C. § 1332, in that:

- a. SDWG is a South Dakota cooperative association with its principal place of business in Aberdeen, South Dakota;
- b. Continental Western is an Iowa corporation with its principal place of business in Urbandale, Iowa;
- c. There is complete diversity of citizenship between SDWG and Continental Western; and
- d. The Plaintiff seeks recovery in this case of over \$75,000 based on the allegations in the Complaint.

7. As is clear from the information set forth above, the state court action is subject to removal pursuant to 28 U.S.C. § 1441. It is a civil action between citizens of different states and in which the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

8. The Fifth Judicial Circuit, Brown County, South Dakota, where the suit was originally filed and from which it is removed, is located within the United States District Court for the District of South Dakota, Northern Division. Venue is therefore proper here under 28 U.S.C. §§ 122(1) and 1441(a).

9. This Notice is filed pursuant to 28 U.S.C. §§ 1441 and 1446, within the time limits prescribed by 28 U.S.C. § 1446(b).

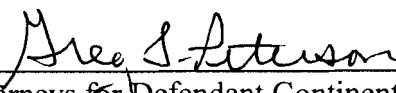
10. After filing this Notice, Continental Western, pursuant to 28 U.S.C. § 1446(d), will promptly give written notice to SDWG and will file a copy of this Notice with the Fifth Judicial Circuit, Brown County, South Dakota.

11. Pursuant to 28 U.S.C. § 1446(a), Continental Western attaches with this Notice a copy of all process, pleadings, and orders served upon Continental Western.

**WHEREFORE**, the Defendant hereby provides notice that this action is removed to the United States District Court for the District of South Dakota, Northern Division, pursuant to 28 U.S.C. §§ 1441 and 1446, and that the Fifth Judicial Circuit, Brown County, South Dakota, shall proceed no further therein unless this case is remanded.

Dated at Aberdeen, South Dakota, this 29<sup>th</sup> day of March, 2012.

BANTZ, GOSCH & CREMER, L.L.C.

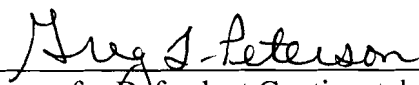
  
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Aberdeen, SD 57402-0970  
605-225-2232  
605-225-2497 (fax)  
gpeterson@bantzlaw.com

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true copy of the foregoing was served by regular U.S. Mail, postage prepaid, this 29<sup>th</sup> day March, 2012, upon the following counsel of record:

Carlyle E. Richards  
Richards, Tonner, Oliver & Fischbach  
404 South Lincoln St.  
P.O. Box 1456  
Aberdeen, SD 57402-1456

BANTZ, GOSCH & CREMER, L.L.C.

  
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